

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
Ph: 0172-2864115, Email: - [psic25@punjabmail.gov.in](mailto:psic25@punjabmail.gov.in)  
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**Sh. Dharamvir Bhatti (9815086144)**

S/o Sh. Rattan Lal,  
R/o Village Hamja,  
Police Station Majithia,  
District Amritsar

Appellant/Complainant

Versus

**Public Information Officer**

O/o SSP (Rural), Amritsar

**First Appellate Authority**

O/o SSP (Rural), Amritsar

Respondent

**Appeal Case No.: 1228 of 2020**  
**Heard through CISCO WEBEX**

**Present:** Sh. Dharamvir Bhatti, appellant.  
For the respondent: ASI, Harpal Singh (9780016624)

**ORDER**

1. This order may be read with reference to the previous order dated 09.09.2020 vide which appellant was advised to *point out discrepancies* in written form, if any in the supplied information within 20 days. The respondent was directed to make good the deficiencies, in case the same pointed out by the appellant. Matter was adjourned for further hearing on 09.11.2020 i.e. today.
2. In today's hearing, appellant, Sh. Dharamvir Singh states that copy of FIR has been supplied to him which is not demanded in RTI application. He requested to supply the reply/information as per RTI application.
3. On this, respondent, ASI, Harpal Singh states that no record has been maintained by the department regarding point no. 1 and 2 of the RTI application.
4. After hearing both the parties and examining the case file, I am of the view that sufficient reply has been supplied to the appellant as no record has been maintained by the respondent's department. Therefore, no further cause of action is required in this case. Hence, this instant appeal case is **disposed of & closed**.
5. Announced in the Court. Copy of the order to be sent to the parties.

**Chandigarh**  
**Dated: 09.11.2020**

**(Dr. Pawan Kumar Singla)**  
**State Information Commissioner**

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**Ms. Neena Gupta (9855014101)**

House No. 1410, Phase-1,  
Urban Estate, Dugri Road,  
Ludhiana-141013

Appellant/Complainant

Versus

**Public Information Officer/APIO**

O/o Police Commissioner,  
Ludhiana

Respondent

**Complaint Case No.: 282 of 2020**  
**Heard through CISCO WEBEX**

**Present:** Sh. Sushil Kumar on behalf of the complainant.  
For the respondent: ASI, Ramesh Kumar (9915603000)

**ORDER**

1. This order may be read with reference to the previous order dated 09.09.2020 vide which complainant was directed/advised to collect the information/reply by submitting Rs. 10 /- for the photocopies of the requisite information. Matter was adjourned for further hearing on 09.11.2020 i.e. today.

2. In today's hearing, representative of the complainant, Sh. Sushil Kumar states that incomplete information has been supplied by the respondent PIO.

3. On this, respondent, ASI, Ramesh Kumar states that information relates with letter dated 10.07.2019 has already been supplied to the appellant but letters (dated 23.03.2020 and 20.02.2020) attached with complaint case 282 of 2020 are still under investigation and pending before the ADCP-II, Ludhiana, accordingly it could not be supplied. He added that reply has already been sent to the appellant dated 07.11.2020.

He further mentioned that an email dated 07.11.2020 has also been sent to the Commission in this regard.

4. After hearing both the parties and examining the case file, it is observed that partial requisite information has already been supplied and rest of the information is under investigation, which could not be supplied to the appellant, as per reply filed by the respondent vide letter no. 632-D dated 07.11.2020, which was received through an email dated 07.11.2020.

**I am of the view that matter under investigation could not be supplied as per Section 8 (1) (g) and 8 (1) (h) per RTI Act 2005. Therefore, no further cause of action is required in this case.**

5. In wake of above, this instant complaint case is **disposed of & closed** accordingly at the Commission's end along with directions to the respondent PIO to supply the requisite information once the investigation will be completed.

6. Announced in the Court, copy of the order to be sent to the parties.

**Chandigarh**  
**Dated: 09.11.2020**

**(Dr. Pawan Kumar Singla)**  
**State Information Commissioner**



|   |        |                       |
|---|--------|-----------------------|
| <b>(Regd. Post)</b> Sh. Sushil Kumar (9814500575)<br>House No. 1410, Phase-1,<br>Urban Estate, Dugri Road,<br>Ludhiana-141013 | Versus | Appellant/Complainant |
| <b>(Regd. Post)</b> Public Information Officer<br>O/o DGP, Punjab,<br>Chandigarh  |        | Respondent            |

**Complaint Case No.: 287 of 2020**  
**Heard through CISCO WEBEX**

**Present:** Sh. Sushil Kumar, the complainant in person.  
For the respondent: ASI, Ramesh Kumar (9915603000)

**ORDER**

1. This order may be read with reference to the previous order dated 09.09.2020 vide which respondent PIO was absent and another opportunity was given to the respondent PIO to file a reply/information and matter was adjourned for further hearing on 09.11.2020 i.e. today.
2. In today's hearing ASI, Ramesh Kumar states that requisite information could not be supplied to the complainant in the absence of darkhast number. He requested the complainant to supply the darkhast number.
3. On this, complainant, Sh. Sushil Kumar denied to supply the darkhast number.
4. After hearing both the parties and examining the case file, respondent is agree to supply the demanded information but complainant not agreeing to share the darkhast number with the respondent.
5. However, this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP @ No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:- PUNJAB STATE INFORMATION COMMISSION

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

6. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

7. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

8. In view of the observations noted above, the instant case is **disposed of & closed**. Copies of this decision be sent to the parties through registered post.

**Chandigarh**  
**Dated: 09.11.2020**

**(Dr. Pawan Kumar Singla)**  
**State Information Commissioner**

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**Sh. Sushil Kumar (9814500575)**

House No. 1410, Phase-1,  
Urban Estate, Dugri Road,  
Ludhiana-141013

Appellant/Complainant

Versus

**Public Information Officer/APIO**

O/o Police Commissioner,  
Ludhiana

Respondent

**Compliant Case No.: 288 of 2020**  
**Heard through CISCO WEBEX**

**Present:** Sh. Sushil Kumar, the complainant in person.  
For the respondent: ASI, Ramesh Kumar (9915603000)

**ORDER**

1. This order may be read with reference to the previous order dated 09.09.2020 vide which complainant was directed/advised to collect the information/reply by submitting Rs. 10 /- for the photocopies of the requisite information. Matter was adjourned for further hearing on 09.11.2020 i.e. today.

2. In today's hearing, representative of the complainant, Sh. Sushil Kumar states that incomplete information has been supplied by the respondent PIO.

3. On this, respondent, ASI, Ramesh Kumar states that information relates with letter dated 10.07.2019 has already been supplied to the appellant but letters (dated 23.03.2020 and 20.02.2020) attached with complaint case 282 of 2020 are still under investigation and pending before the ADCP-II, Ludhiana, accordingly it could not be supplied. He added that reply has already been sent to the appellant dated 07.11.2020.

He further mentioned that an email dated 07.11.2020 has also been sent to the Commission in this regard.

4. After hearing both the parties and examining the case file, it is observed that partial requisite information has already been supplied and rest of the information is under investigation, which could not be supplied to the appellant, as per reply filed by the respondent vide letter no. 632-D dated 07.11.2020, which was received through an email dated 07.11.2020.

**I am of the view that matter under investigation could not be supplied as per Section 8 (1) (g) and 8 (1) (h) per RTI Act 2005. Therefore, no further cause of action is required in this case.**

5. In wake of above, this instant complaint case is **disposed of & closed** accordingly at the Commission's end along with directions to the respondent PIO to supply the requisite information once the investigation will be completed.

6. Announced in the Court, copy of the order to be sent to the parties

**Chandigarh**  
**Dated: 09.11.2020**

**(Dr. Pawan Kumar Singla)**  
**State Information Commissioner**